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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,706	07/10/2006	Satoshi Ithori	082418-000700US	4320
20350 7590 07/25/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
LIM, SENG HENG				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
07/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/585,706

## Applicant(s)

IHOR ET AL.

## Examiner

SENG H. LIM

## Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2, 3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 3 and 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 1/2/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

##### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 2-3, 5-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama (US 2003/0139209).

Nakayama discloses a message output device and method utilizing a message storage unit comprising: a battle control unit (Fig. 1: 12) which controls a battle between characters belonging to opposing friend and enemy sides in a virtual space based on a predetermined instruction input [0010]; a message storage unit (Fig. 1: 13) which stores a plurality of main messages matching progress statuses of the battle, and a plurality of sub messages matching winning and losing statuses of the friend and enemy sides [0028, 0029]; a main message acquisition unit which acquires a main message specified in accordance with progress of the battle controlled [0068]; a sub message acquisition unit which detects winning and losing statuses of the friend and enemy sides

which change in accordance with the progress of the battle controlled at each predetermined timing, and acquires an arbitrary sub message matching the detected winning and losing statuses [0069]; and a message output unit which outputs the acquired main message and sub message based on a predetermined condition (Fig. 1: 10a, 10b). A priority order is set for each main message and each sub message; and said message output unit outputs the acquired main message and sub message in an order based implicitly on the priority orders (Fig. 6 & 7), because the messages are prioritized in an order based on time segments or passages to give updates of the races. In a case where the main message and the sub message are acquired at a same time, said message output unit implicitly outputs the main message preferentially. A life duration time is obviously set at least for each sub message; and said message output device further comprises a retaining unit that retains the acquired auxiliary messages, because each commentary voice code are stored in the memory for use in proper time segments [0065, 0070]. Nakayama does not expressly disclose a message deletion unit, however, it is obvious that the device includes a process that deletes any sub message whose life duration time has passed among the sub messages acquired, since the commentary voice data presented according to time segments.

**Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama (US 2003/0139209).

Nakayama discloses a computer-readable information recording medium storing a program for controlling a computer to function [0019] as: a battle control unit which controls a battle between characters belonging to opposing friend and enemy sides in a virtual space based on a predetermined instruction input [0009]; a message storage unit (Fig. 1: 13) which stores a plurality of main messages matching progress statuses of the battle, and a plurality of sub messages matching winning and losing statuses of the friend and enemy sides [0028, 0029]; a main message acquisition unit which acquires a main message specified in accordance with progress of the battle controlled [0068]; a sub message acquisition unit which detects winning and losing statuses of the friend

and enemy sides which change in accordance with the progress of the battle controlled at each predetermined timing, and acquires an arbitrary sub message matching the detected winning and losing statuses[0069-0070]; and a message output unit which outputs the acquired main message and sub message based on a predetermined condition. (Fig. 1: 10a, 10b). A priority order is set for each main message and each sub message; and said message output unit outputs the acquired main message and sub message in an order based implicitly on the priority orders (Fig. 6 & 7), because the messages are prioritized in an order based on time segments or passages to give updates of the races. In a case where the main message and the sub message are acquired at a same time, said message output unit implicitly outputs the main message preferentially.

### ***Response to Arguments***

Applicant's arguments with respect to claims 2 & 6 have been considered but are moot in view of the new ground(s) of rejection. Please refer to above rejection for a detailed explanation of new rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SENG H. LIM whose telephone number is (571)270-3301. The examiner can normally be reached on 9:30-6:00, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Seng H Lim/

Examiner, Art Unit 3714

July 15, 2008

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3714